



State of Wisconsin
2003 - 2004 LEGISLATURE

2005-2006

0025/P1
LRB-4213/P12

DAK:....ch

D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

REGENERATE

1 AN ACT *to repeal* 46.90 (1) (b), 46.90 (1) (d), 46.90 (5) (g), 813.123 (1) (h), 940.285
2 (1) (b), (bm), (c), (d), and (e), 940.295 (1) (cm), 940.295 (1) (hm), 940.295 (1) (jm),
3 940.295 (1) (kp), 940.295 (1) (n) and 940.295 (1) (t); *to renumber* 46.90 (4) (a),
4 55.043 (1) to (4), 146.001 (1), 146.001 (2), 813.123 (4) (a) 1., 813.123 (5) (a) 1. and
5 2., 813.123 (5) (a) 3. and 940.295 (1) (a); *to renumber and amend* 46.90 (5) (a),
6 46.90 (6) (a), 813.123 (2), 813.123 (3) (b) (intro.), 813.123 (3) (b) 2. and 3.,
7 813.123 (4) (a) 2. and 813.123 (5) (a) (intro.); *to amend* 46.21 (2m) (c), 46.215
8 (1m), 46.22 (1) (dm), 46.23 (3) (e), 46.90 (2), 46.90 (3) (a), (b) and (c), 46.90 (4)
9 (ar) 1., 46.90 (4) (b) 1. c., 46.90 (4) (c), 46.90 (4) (d), 46.90 (5) (b), 46.90 (5) (c), (d)
10 and (f), 46.90 (5m) (title) and (a), 46.90 (5m) (c), 46.90 (6) (b) (intro.) 1., 6. and
11 7., 46.90 (6) (c) 1., 46.90 (8) (a), (c) and (d), 50.09 (1) (k), 51.42 (3) (e), 51.437 (4r)
12 (b), 51.62 (3) (a) 2m., 55.01 (1m), 55.043 (1) (a) 3. and 5., 55.043 (3) (a) 1., (b),
13 (4), (5), (6) (intro.), and (a) to (f), 813.123 (4) (a), 813.123 (5) (c) 1., 2. and 3.,
14 813.123 (6) (a), 813.123 (6) (c), 813.123 (7), 813.123 (9) (intro.), 813.123 (11),
15 940.285 (title), 940.285 (2) (title) and (2) (a) 1. to 3., 940.295 (1) (b) and 940.295

(1) (o); **to repeal and recreate** 46.90 (1) (a), 46.90 (1) (e), 46.90 (1) (f), 46.90 (1) (g), 51.62 (1) (ag), 51.62 (1) (br), 55.01 (1), 55.01 (1p), 55.01 (4p), 55.01 (4r), 55.043 (3) (a) (intro.), 813.123 (1) (a), 813.123 (1) (f), 813.123 (1) (g), 940.285 (1) (a), 940.295 (1) (j), 940.295 (1) (k) and 940.295 (1) (km); and **to create** 46.90 (1) (aj), 46.90 (1) (an), 46.90 (1) (bg), 46.90 (1) (br), 46.90 (1) (bt), 46.90 (1) (cm), 46.90 (1) (eg), 46.90 (1) (er), 46.90 (1) (fg), 46.90 (1) (fr), 46.90 (1) (gr), 46.90 (1) (h), 46.90 (1) (i), 46.90 (4) (a), 46.90 (4) (ad), 46.90 (4) (ae), 46.90 (4) (ag), 46.90 (4) (b) 1. d., 46.90 (4) (e), 46.90 (5) (a) 1., 46.90 (5) (b) 6., 46.90 (5) (br), 46.90 (5) (h), 46.90 (5m) (br), 46.90 (6) (a), 46.90 (6) (b) 9. and 10., 46.90 (6) (bd), 46.90 (6) (br), 46.90 (6) (bt), 46.90 (6) (bv) and (bw), 51.62 (1) (a), 55.01 (1) (e), 55.01 (1d), 55.01 (1v), 55.01 (2s), 55.01 (6), 55.01 (6b), 55.043 (1), 55.043 (2), 55.043 (2m), 55.043 (3) (c), 55.043 (3m), 55.043 (5) (f), 55.043 (7), 55.043 (8), 55.043 (9), 146.001 (1), 146.001 (1r), 813.123 (1) (ae), 813.123 (1) (am), 813.123 (1) (b), 813.123 (1) (br), 813.123 (1) (dm), 813.123 (1) (er), 813.123 (1) (gr), 813.123 (1) (gs), 813.123 (2) (b), 813.123 (3) (c) (intro.), 813.123 (4) (ar) (intro.), 813.123 (5) (ar) (intro.), 813.123 (5) (ar) 3. a. and b., 813.123 (5) (ar) 3. c., 940.225 (2) (h), 940.225 (5) (ad) and (ak), 940.285 (1) (ad), 940.295 (1) (a), 940.295 (1) (ad) and 940.295 (1) (cd) of the statutes; **relating to:** adult protective services.

Add?

and providing penalties

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

INSERT 2-19

19

SECTION 1. 46.21 (2m) (c) of the statutes is amended to read:

INSERT 3-7

46.21 (2m) (c) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7) and 253.07 (3) (c), ~~any~~ ^a subunit of the ^a county department of human services or tribal agency acting under this subsection may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of human services or tribal agency, with a resource center, ^a care management organization, ^a or family care district, or with ^a any ^a person providing services to the client under a purchase of services contract with the county department of human services or tribal agency or with a resource center, ^a care management organization ^a or family care district, if necessary to enable an employee or service provider to perform his or her duties, or to enable the county department of human services or tribal agency to coordinate the delivery of services to the client. Any agency releasing information under this subsection shall document that a request for information was received and what information was provided.

SECTION 2. 46.215 (1m) of the statutes is amended to read:

that releases

46.215 (1m) EXCHANGE OF INFORMATION. Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a), ~~any~~ ^a subunit of the ^a county department of social services or tribal agency acting under this section may exchange confidential information about a client, without the informed consent of the client, with any other subunit of the same county department of social services or tribal agency, with a resource center, ^a care management organization ^a or family care district, or with ^a any ^a person providing services to the client under a purchase of services contract with the county department of social services or with a resource center, ^a care management organization ^a or family care district, if necessary to enable an employee or service

INSERT 3-22

that releases

1 provider to perform his or her duties, or to enable the county department of social
2 services or tribal agency to coordinate the delivery of services to the client. Any
3 agency releasing information under this subsection shall document that a request
4 for information was received and what information was provided.

5 SECTION 3. 46.22 (1) (dm) of the statutes is amended to read:

6 46.22 (1) (dm) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
7 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07
8 (3) (c) and 938.78 (2) (a), any subunit of the county department of social services or
9 tribal agency acting under this subsection may exchange confidential information
10 about a client, without the informed consent of the client, with any other subunit of
11 the same county department of social services or tribal agency, with a resource
12 center, care management organization or family care district, or with any person
13 providing services to the client under a purchase of services contract with the county
14 department of social services or tribal agency or with a resource center, care
15 management organization or family care district, if necessary to enable an employee
16 or service provider to perform his or her duties, or to enable the county department
17 of social services or tribal agency to coordinate the delivery of services to the client.
18 Any agency releasing information under this paragraph shall document that a
19 request for information was received and what information was provided.

20 SECTION 4. 46.23 (3) (e) of the statutes is amended to read:

21 46.23 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
22 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07
23 (3) (c) and 938.78 (2) (a), any subunit of a county department of human services or
24 tribal agency acting under this section may exchange confidential information about
25 a client, without the informed consent of the client, with any other subunit of the

that releases

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5-2

1 same county department of human services or tribal agency, with a resource center,
2 care management organization or family care district, or with any person providing
3 services to the client under a purchase of services contract with the county
4 department of human services or tribal agency or with a resource center, care
5 management organization or family care district, if necessary to enable an employee
6 or service provider to perform his or her duties, or to enable the county department
7 of human services or tribal agency to coordinate the delivery of services to the client.
8 Any agency releasing information under this paragraph shall document that a
9 request for information was received and what information was provided.

10 **SECTION 5.** 46.90 (1) (a) of the statutes is repealed and recreated to read:

11 46.90 (1) (a) "Abuse" means any of the following:

- 12 1. Physical abuse, as defined in s. 46.90 (1) (fg).
- 13 2. Emotional abuse, as defined in s. 46.90 (1) (cm).
- 14 3. Sexual abuse, as defined in s. 46.90 (1) (fr).
- 15 4. Treatment without consent, as defined in s. 46.90 (1) (h).
- 16 5. Unreasonable confinement or restraint, as defined in s. 46.90 (1) (i).

17 **SECTION 6.** 46.90 (1) (aj) of the statutes is created to read:

18 46.90 (1) (aj) "Bodily harm" means physical pain or injury, illness, or any
19 impairment of physical condition.

20 **SECTION 7.** 46.90 (1) (an) of the statutes is created to read:

21 46.90 (1) (an) "Caregiver" means an individual who has assumed responsibility
22 for all or a portion of a person's care voluntarily, by contract, or by agreement
23 including a person acting or claiming to act as a legal guardian.

24 **SECTION 8.** 46.90 (1) (b) of the statutes is repealed.

25 **SECTION 9.** 46.90 (1) (bg) of the statutes is created to read:

that
releases

a person

an individual's

1 46.90 (1) (bg) "Degenerative brain disorder" has the meaning given in s. 55.01

2 (1v).

INSERT
6-2

3 SECTION 10. 46.90 (1) (br) of the statutes is created to read:

4 46.90 (1) (br) "Elder adult ~~at~~ risk" means any person age 60 or older who has
5 experienced, is currently experiencing, or is at risk of experiencing abuse, neglect,
6 or financial exploitation.

INSERT 6-6

7 SECTION 11. 46.90 (1) (bt) of the statutes is created to read:

8 46.90 (1) (bt) "Elder adult-at-risk agency" means the agency designated by the
9 county board of supervisors under sub. (2) to receive, respond to and investigate
10 reports of abuse, neglect, self-neglect, and financial exploitation under s. ~~46.90~~ (4).

INSERT 6-10

11 SECTION 12. 46.90 (1) (cm) of the statutes is created to read:

12 46.90 (1) (cm) "Emotional abuse" means language or behavior which serves no
13 legitimate purpose and is intended to be intimidating, humiliating, threatening,
14 frightening, or otherwise harassing, and which does or could reasonably intimidate,
15 threaten, frighten, or otherwise harass the person to whom the conduct or language
16 is directed. *ed* *individual* *humiliate*

INSERT 6-16

17 SECTION 13. 46.90 (1) (d) of the statutes is repealed.

INSERT 6-18

18 SECTION 14. 46.90 (1) (e) of the statutes is repealed and recreated to read:

19 46.90 (1) (e) "Financial exploitation" means any of the following: *individual*

20 1. Obtaining a ~~person's~~ *an individual's* money or property by deceiving or enticing the person,
21 or by forcing, compelling, or coercing the person to give, sell at less than fair market
22 value, or in other ways convey money or property against his or her will without his
23 or her informed consent. *prohibited*

24 2. Theft, as defined in s. 943.20.

3. The substantial failure or neglect of a fiscal agent to fulfill his or her responsibilities.

SECTION 15. 46.90 (1) (eg) of the statutes is created to read:

46.90 (1) (eg) "Fiscal agent" includes any of the following:

1. A guardian of the estate appointed under s. 880.03.
2. A conservator appointed under s. 880.31.
3. An agent under a financial power of attorney under s. 243.07.
4. A representative payee under 20 CFR 416.635.

5. A conservatorship under the veteran's affairs administration.

SECTION 16. 46.90 (1) (er) of the statutes is created to read:

46.90 (1) (er) "Investigative agency" means law enforcement, ^{U.S. department of} ~~municipal~~, ^{or a city, town, village,} county, or state governmental ^{agency} ~~agencies~~ or units with functions relating to protecting health, welfare, safety, ^{or} ~~and~~ property including ^{an agency} ~~agencies~~ concerned with animal protection, public health, building code enforcement, consumer protection, ^{or} ~~and~~ insurance ^{or} ~~and~~ financial institution regulation. ^{for an individual,}

SECTION 17. 46.90 (1) (f) of the statutes is repealed and recreated to read:

46.90 (1) (f) "Neglect" means the failure of a caregiver, as evidenced by an act, omission, or course of conduct, to endeavor to secure or maintain adequate care, services, or supervision including, ~~but not limited to,~~ ^{and creating} food, clothing, shelter, or physical or mental health care, ^{the individual's} ~~which failure creates~~ significant risk or danger to a ~~person's~~ physical or mental health. Neglect does not include a decision made not to seek medical care, if that decision is consistent with ^{declaration or do-not-resuscitate order} ~~a~~ previously executed health care advance directive under chs. 154 and 155 or as otherwise authorized by law.

SECTION 18. 46.90 (1) (fg) of the statutes is created to read:

for an individual

, a power of attorney for health care under ch.

the individual's

1 46.90 (1) (fg) "Physical abuse" means the intentional or reckless infliction of
2 bodily harm.

3 **SECTION 19.** 46.90 (1) (~~fg~~^{gd}) of the statutes is created to read:

4 46.90 (1) (~~fg~~^{gd}) "Sexual abuse" means a violation of s. 940.225 (1) ~~to~~ (3m).

5 **SECTION 20.** 46.90 (1) (g) of the statutes is repealed and recreated to read:

6 46.90 (1) (g) "Self-neglect" means a significant danger to a person's physical
7 or mental health because the person is responsible for his or her own care but fails
8 to obtain adequate care including, ~~but not limited to~~, food, clothing, shelter, or
9 medical or dental care.

INSERT 8-9

10 **SECTION 21.** 46.90 (1) (gr) of the statutes is created to read:

11 46.90 (1) (gr) "State official" means any law enforcement officer employed by
12 the state, ~~or an employee of one of the following state agencies:~~

13 1. Department of health and family services.

14 2. Department of justice.

15 3. Department of regulation and licensing.

16 4. Board on aging and long-term care.

17 5. Any ~~other relevant~~ agency with functions relating to protecting health and
18 safety.

other than those specified in subd.
1. to 4.

19 **SECTION 22.** 46.90 (1) (h) of the statutes is created to read:

20 46.90 (1) (h) "Treatment without consent" means the administration of
21 medication to a person who has not provided informed consent, or the performance
22 of psychosurgery, electroconvulsive therapy, or experimental research on a person
23 who has not provided informed consent, with the knowledge that no lawful authority
24 exists for the administration or performance.

an individual

25 **SECTION 23.** 46.90 (1) (i) of the statutes is created to read:

1 46.90 (1) (i) "Unreasonable confinement or restraint" includes the intentional
2 and unreasonable use of a locked room, involuntary separation of a person from his
3 or her living area, or physical restraining devices, or the unnecessary or excessive
4 use of medication, but does not include the use of such methods or devices in entities
5 regulated by the department if employed in conformance with state and federal
6 standards governing confinement and restraint.

confinement of an individual
an individual
use on an individual of
these
provision of
the methods or devices are
to an individual

7 SECTION 24. 46.90 (2) of the statutes is amended to read:

8 46.90 (2) (title) COUNTY ELDER-ADULT-AT-RISK AGENCY DESIGNATION. Each county
9 board shall designate an agency in the county as the county elder-adult-at-risk
10 agency for the purposes of this section.

other investigative agencies, including

11 SECTION 25. 46.90 (3) (a), (b) and (c) of the statutes are amended to read:

12 46.90 (3) (a) Each county elder-adult-at-risk agency shall develop a policy for
13 notifying law enforcement officials in appropriate cases and shall establish an elder
14 abuse reporting system to carry out the purposes of this section. Each county elder-
15 adult-at-risk agency shall enter into a memorandum of understanding regarding
16 the operation of the system with the county department under s. 46.215 or 46.22 and
17 with any private or public agency, including a county department under s. 51.42 or
18 51.437, within the county that is participating in the elder abuse reporting system.
19 The memorandum of understanding shall, at a minimum, identify the agencies that
20 are responsible for the investigation of reports of abuse, material abuse financial
21 exploitation, neglect or self-neglect of elder adults at risk and for the provision of
22 specific direct services.

2

23 (b) Each county elder-adult-at-risk agency shall receive reports of abuse,
24 material abuse financial exploitation, neglect or self-neglect of elder persons
25 adults at risk.

2

^{that} (c) Each county ~~elder adult-at-risk~~ agency shall publicize the existence of an elder abuse reporting system in the county and shall provide a publicized telephone number which can be used by persons wishing to report suspected cases of abuse, ~~material abuse~~ ² financial exploitation, neglect or self-neglect ~~of elder adults-at-risk~~. Each elder adult-at-risk agency shall also provide a telephone number which can be used by persons wishing to make reports after the elder adult-at-risk agency's regular business hours.

8 **SECTION 26.** 46.90 (4) (a) of the statutes is renumbered 46.90 (4) (ar) ^{and amended to read:}

^{1.} **SECTION 27.** 46.90 (4) (a) of the statutes is created to read:

^{ab} 46.90 (4) (a) ~~Reports~~ ^{ab}: The following persons shall file reports as specified in par.

(ad):

1. An employee of any entity that is licensed, certified, or approved by or registered with the department.
2. An employee of a financial institution, as defined in s. 705.01 (3).
3. A health care provider, as defined in s. 155.01 (7).
4. A social worker, professional counselor, or marriage and family therapist certified under ch. 457.

SECTION 28. 46.90 (4) (ad) of the statutes is created to read:

^{ab} 46.90 (4) (ad) Except as provided in par. (ae), a person specified in par. (a), who has seen an elder adult-at-risk in the course of the person's professional duties, shall file a report with the county department, the elder adults-at-risk agency, a state or local law enforcement agency, the department, or the board on aging and long term care if the elder adult-at-risk has requested the person to make the report, or if the person has reasonable cause to believe that any of the following situations exist:

1 The elder adult ~~at risk~~ is at imminent risk of serious bodily harm, death,
2 or significant property loss, and is unable to make an informed judgment about
3 whether to report the risk.

4 2. ~~Other adults at risk, including elder adults at risk~~ other than the subject
5 of the report ^{is} are at risk of serious bodily harm, death, sexual assault, or significant
6 property loss inflicted by ^a the suspected perpetrator. *An elder adult at risk*
that the person maintains on

7 **SECTION 29.** 46.90 (4) (ae) of the statutes is created to read:

8 46.90 (4) (ae) A person specified in par. ^{ab} (a) is not required to file a report as
9 provided in par. (ad) if the person believes that filing a report would not be in the best
10 interest of the elder adult ~~at risk~~. If the person so believes, the person shall
11 document the reasons for this belief in the case file of the elder adult ~~at risk~~. *par.*

12 **SECTION 30.** 46.90 (4) (ag) of the statutes is created to read:

13 46.90 (4) (ag) Whoever intentionally violates sub. ^{of an attorney} (4) (ad) by failure to report
14 as required may be fined not more than \$500 or imprisoned not more than 6 months
15 or both.

16 **SECTION 31.** 46.90 (4) (ar) 1. of the statutes is amended to read:

17 46.90 (4) (ar) 1. Any person, including an attorney or a person working under
18 an attorney's supervision, may report to the county agency ~~or to any state official,~~
19 ~~including any representative of the office of the long-term care ombudsman under~~
20 ~~s. 16.009 (4), department, the elder adult-at-risk agency, a state or local law~~
21 ~~enforcement agency, the department, or the board on aging and long term care that~~
22 ~~he or she believes that abuse, material abuse or financial exploitation, neglect, or~~
23 ~~self-neglect of an elder adult at risk~~ has occurred if the person is aware of facts or
24 circumstances that would lead a reasonable person to believe or suspect that abuse,
25 material abuse financial exploitation, or neglect, or self-neglect of an elder

MOVE THIS STUFF TO
p. 10, after line 8

MOVE TO P. 10, after line 8.

1 adult at risk has occurred. The person shall indicate the facts and circumstances
2 of the situation as part of the report.

3 **SECTION 32.** 46.90 (4) (b) 1. c. of the statutes is amended to read:

4 46.90 (4) (b) 1. c. (Any person who violates this subdivision may be fined not
5 more than \$1,000 \$10,000 or imprisoned for not more than 6 months or both.

6 **SECTION 33.** 46.90 (4) (b) 1. d. of the statutes is created to read:

7 46.90 (4) (b) 1. d. Any discharge of a person or act of retaliation or
8 discrimination that is taken against a person who makes a report under this
9 subsection within 120 days after the report is made establishes a rebuttable
10 presumption that the discharge or act is made in response to the report. This
11 presumption may be rebutted by a preponderance of evidence that the discharge or
12 act was not made in response to the report.

13 **SECTION 34.** 46.90 (4) (c) of the statutes is amended to read:

14 46.90 (4) (c) No person may be held civilly or criminally liable or be found guilty
15 of unprofessional conduct for reporting in good faith under this subsection or for
16 filing a report with an agency not listed in par. (ad) (intro) or (ar) 1. if the person had
17 a good faith belief that the report was filed correctly with one of the listed agencies.

18 **SECTION 35.** 46.90 (4) (d) of the statutes is amended to read:

19 46.90 (4) (d) If a report under par. (a) (ad) or (ar) is made to a state official, the
20 state official shall refer the report to the appropriate county agency.

21 **SECTION 36.** 46.90 (4) (e) of the statutes is created to read:

22 46.90 (4) (e) Any person making a report under this subsection is presumed to
23 have reported in good faith.

24 **SECTION 37.** 46.90 (5) (a) of the statutes is renumbered 46.90 (5) (a) 2. and
25 amended to read:

alleged

1 46.90 (5) (a) 2. Except as otherwise provided, upon receiving a report of abuse,
 2 material abuse financial exploitation, neglect or self-neglect of an elder
 3 adult-at-risk, the county elder-adult-at-risk agency shall either investigate
 4 respond to the report or refer the report to another agency for investigation. Upon
 5 receiving a report of abuse, material abuse financial exploitation, neglect or
 6 self-neglect of an elder person who resides in a community-based residential facility
 7 or a nursing home licensed under s. 50.03 or of an elder person who receives services
 8 from a home health agency licensed under s. 50.49 and the person suspected of
 9 abusing or neglecting the person is an employee of the home health agency a client
 10 of an entity, as described in s. 50.065, where the person suspected of abuse or neglect
 11 is a caregiver or a nonclient resident of the entity, the county elder-adult-at-risk
 12 agency may not investigate the report but it shall refer the report within 24 hours
 13 after the report is received, excluding Saturdays, Sundays and legal holidays, to the
 14 department for investigation. The department shall coordinate its investigatory
 15 efforts with other investigatory authorities or agencies as appropriate. An
 16 investigation A county department's response to or an agency's investigation of a
 17 report of abuse, financial exploitation, neglect or self-neglect shall be commenced
 18 within 24 hours after a report is received, excluding Saturdays, Sundays and legal
 19 holidays. An investigation of a report of material abuse shall be commenced within
 20 5 days after a report is received, excluding Saturdays, Sundays and legal holidays.
 21 If a report is referred to the department, pars. (b) to (g) ~~(f)~~ and sub. (6) do not apply
 22 to the department.

INSERT 13-22

SECTION 38. 46.90 (5) (a) 1. of the statutes is created to read:

24 46.90 (5) (a) 1. If an agent or employee of a county department required to
 25 respond under this subsection is the subject of a report, or if the county department

An elder-adult-at-risk agency's

SECTION 38

elder-adult-at-risk agency
under s. 46.215, 46.22, 51.42, or 51.437

1 or an agency under contract with the county department determines that the
2 relationship between the ~~county department~~ and the agency under contract with the
3 county department would not allow for an unbiased response, the ~~county department~~
adult at risk
4 shall, after taking any action necessary to protect the elder ~~person~~, notify the
5 department. Upon receipt of the notice, the department or a county department
6 designated by the department shall conduct an independent investigation. If the
7 department designates a county department under s. 46.215, 46.22, 51.42, or 51.437,
8 that county department shall conduct the independent investigation. The powers
9 and duties of ~~the county department~~ making an independent investigation are those
a
10 given to ~~county departments~~ under pars. (b) to (g) and sub. (6). *an elder-adult-at-risk agency* *f*

elder-adult-at-risk agency's
another investigative

11 **SECTION 39.** 46.90 (5) (b) of the statutes is amended to read:

INSERT 14-10

12 46.90 (5) (b) The scope of the ~~county department's~~ response or an agency's
13 investigation is ~~at the discretion of the investigating agency and may include one or~~
14 ~~more of the following:~~ *in private to the extent practicable, and*

- INSERT 14-14*
- 15 1. A visit to the elder ~~person's~~ residence of the elder adult-at-risk.
 - 16 2. Observation of the elder ~~person~~ adult-at-risk, with or without consent of his
17 or her guardian or agent under an activated power of attorney for health care, if any.
 - 18 3. An interview with the elder ~~person~~ adult-at-risk, with or without the
19 consent of his or her guardian or agent under an activated power of attorney for
20 health care, if any. ~~To the extent practicable, this interview shall be private.~~ *with*
 - 21 4. An interview with the guardian or agent under an activated power of
22 attorney for health care, if any, and ~~any person who takes care of the elder person~~
23 adult-at-risk. *The* *caregiver*
 - 24 5. A review of treatment and patient health care records of the elder
25 adult-at-risk.

as defined in s. 705.01(3); by an

SECTION 40. 46.90 (5) (b) 6. of the statutes is created to read:

46.90 (5) (b) 6. A review of ^{any} ~~those~~ financial records, ^{if any} ~~if any~~, of the elder adult-at-risk that are maintained by a financial institution, entity, as defined in s. 50.065, ^{by any} ~~or~~ caregiver of the elder adult-at-risk ^{The} ~~or~~ by a member of the ^{immediate family of the} ~~elder~~ adult-at-risk or caregiver's family. Such records shall be released without informed consent in either of the following circumstances: ^{this section}

INSERT 15-6
a. To an elder adult-at-risk agency designated under s. 46.90 (2) or other ^{investigative} ~~investigating~~ agency under s. 46.90. The financial record holder may release financial record information by initiating contact with the elder adult-at-risk agency or other ~~investigating~~ ^{investigative} agency without first receiving a request for release of the information from the elder adult-at-risk agency or other ~~investigating~~ ^{investigative} agency.

b. Under a lawful order of a court of record. ^{investigative}

SECTION 41. 46.90 (5) (br) of the statutes is created to read:

46.90 (5) (br) The elder adult-at-risk agency or other ~~investigating~~ ^{investigative} agency may transport the elder adult-at-risk for performance of a medical examination by a physician if any of the following applies:

1. The elder adult-at-risk or his or her guardian or agent under an activated power of attorney for health care, if any, consents to the examination.

2. The elder adult-at-risk is incapable of consenting to the examination and one of the following applies:

a. The elder adult-at-risk has no guardian or agent under an activated power of attorney for health care.

b. The elder adult-at-risk has a guardian or agent under an activated power of attorney for health care, but that guardian or agent is the person suspected of abusing, neglecting, or financially exploiting the elder adult-at-risk.

c. The examination is authorized by order of a court.

SECTION 42. 46.90 (5) (c), (d) and (f) of the statutes are amended to read:

46.90 (5) (c) If an investigator so requests requested, a sheriff or police officer shall accompany the elder adult-at-risk worker or agency investigator during visits to the elder person's adult-at-risk's residence and shall provide other assistance as needed.

(d) 1. If ^aany person except the elder person in question interferes with the investigation response or investigation or delivery of protective services to the elder adult-at-risk, the elder adult-at-risk worker or agency investigator may apply for an order under ch. 813 prohibiting the interference. s. 813.123 or work

2. The court shall grant the order upon a showing that there is reasonable cause to believe that abuse, material abuse financial exploitation, neglect or self-neglect of an elder adult-at-risk has occurred and that the interference complained of, if continued, would make it difficult to determine whether the abuse, material abuse financial exploitation, neglect or self-neglect has occurred, is occurring or may recur.

INSERT 16-15
46.90(5) (f) If the investigator elder adult-at-risk worker or agency investigator has reason to believe that substantial physical harm, irreparable injury or death may occur to an elder person adult-at-risk, the investigator worker shall immediately notify the protective services agency designated under s. 55.02 request immediate assistance in either initiating a protective services action or contacting law enforcement or another public agency ²as appropriate. agency investigator or other under ch. 55

SECTION 43. 46.90 (5) (g) of the statutes is repealed.

SECTION 44. 46.90 (5) (h) of the statutes is created to read:

46.90 (5) (h) No person may be held civilly or criminally liable or be found guilty of unprofessional conduct for responding to a report or participating in or conducting for

RESTORE
TO PLAIN
TEXT

an investigation under this subsection, including the taking of photographs or the conducting of a medical examination, if the response, ^{or} investigation, ~~taking of~~ photographs, or conducting of a medical examination was performed in good faith and under lawful authority. ^{within the scope of his or her authority} ^{investigative}

SECTION 45. 46.90 (5m) (title) and (a) of the statutes are amended to read:

46.90 (5m) (title) PROVISION OFFER OF SERVICES AND REFERRAL OF CASES. (a) ~~After~~ the investigation is completed Upon responding to a report, the county elder-adult-at-risk agency or the investigating agency shall determine if whether the elder person ~~adult-at-risk~~ or any other individual involved in the alleged abuse, material abuse financial exploitation, neglect or self-neglect is in need of services under this chapter or ch. 47, 49, 51 ^{or 55}. From the appropriation under s. 20.435 (7) (dh), the department shall allocate to selected counties not less than \$25,000 in each fiscal year, and within the limits of these funds and of available state and federal funds and of county funds appropriated to match the state and federal funds, the county elder-adult-at-risk agency shall provide the necessary direct services to the elder person ~~adult-at-risk~~ or other individual or arrange for the provision of the direct services with other agencies or individuals. Those direct services provided shall be rendered under the least restrictive conditions necessary to achieve their objective.

INSERT 17-19
SECTION 46. 46.90 (5m) (br) of the statutes is created to read:

46.90 (5m) (br) If ^{or} after responding to a report ^{or} the elder-adult-at-risk agency has reason to believe that the elder ~~adult-at-risk~~ has been the subject of abuse, financial exploitation, neglect or self-neglect, the elder-adult-at-risk agency may do ^{any} one or more of the following:

SECTION 46

1. Request immediate assistance in ^{under ch. 55} ~~either~~ initiating a protective services ^{an investigative agency,} action or contacting ~~law enforcement or another public agency~~ as appropriate.

2. Take appropriate emergency action, including emergency protective placement under s. 55.06, if the elder ~~adult-at-risk~~ agency determines that the emergency action is in the ~~elder adult-at-risk's~~ best interests and the emergency action is the least restrictive appropriate intervention. ^{of the elder adult at risk}

3. Refer the case to ~~local~~ law enforcement officials ^{permitted, registration,} under sub. (3) (a) for further investigation or to the district attorney, if the elder ~~adult-at-risk~~ agency has reason to believe that a crime has been committed. ^{as specified in}

4. Refer the case to the licensing ^{permitted, registered,} or certification authorities of the department or to other regulatory bodies if the residence, facility, or program for the elder ~~adult-at-risk~~ is or should be licensed or certified or is otherwise regulated.

5. Refer the case to the department of regulation and licensing if the abuse, financial exploitation, neglect ^{or abuse} or self-neglect involves an individual who is required to hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to 460.

6. Bring or refer for a petition for a guardianship and protective services or ^{protective} placement if necessary to prevent ~~abuse~~ ^{or abuse} financial exploitation, neglect or self-neglect and if the elder ~~adult-at-risk~~ would otherwise be at risk of serious harm because of an inability to arrange for necessary food, clothing, shelter, or services, ^{for action to bring} or a review of an existing guardianship. ^{under ch. 55 or a review of an existing guardianship}

SECTION 47. 46.90 (5m) (c) of the statutes is amended to read:

46.90 (5m) (c) An elder person ~~adult-at-risk~~ may refuse to accept services unless a guardian authorizes the services. The ~~county~~ elder adult-at-risk agency or other provider agency shall notify the elder person ~~adult-at-risk~~ of this right to refuse before providing services.

under sub. (5) ~~added~~ to a report of suspected abuse, financial exploitation, neglect, or self-neglect

1 SECTION 48. 46.90 (6) (a) of the statutes is renumbered 46.90 (6) (am) and
2 amended to read: *departmental* *investigative*

3 46.90 (6) (am) The county elder adult-at-risk agency or other investigating
4 agency shall prepare a report on each investigation it conducts unless the agency
5 finds, at the conclusion of the investigation, that the report of alleged abuse, material
6 abuse, neglect or self-neglect is without foundation of its response. If an agency the
7 elder adult-at-risk agency other than the county agency conducts the investigation,
8 it refers the report to an *investigative* agency, the *investigative* agency shall submit
9 a copy of the investigation report to the county agency *advise* the elder adult-at-risk
10 agency in writing of its response to the report. The elder adult-at-risk agency shall
11 maintain *records* of suspected abuse, financial exploitation, neglect, or self-neglect.

INSERT
19-11

12 SECTION 49. 46.90 (6) (a) of the statutes is created to read: *department*

13 46.90 (6) ~~RECORDS, CONFIDENTIALITY~~ (a) *Definitions*. In this section:

RESTORE
TO PLAIN
TEXT

14 1. "Record" includes any document relating to the response, investigation,
15 assessment, and disposition of a report *made* under this section.

16 2. "Report" includes documentation of an agency's response to a report *made* and the
17 investigation of reported suspected abuse, financial exploitation, neglect, or
18 self-neglect that provides a summary of the case, including the report form
19 submitted to the state with all client identifying information removed. *or investigation of* *elder adult-at-risk* *made under sub. (5)*

INSERT
19-19

20 SECTION 50. 46.90 (6) (b) (intro.) 1., 6. and 7. of the statutes are amended to
21 read:

22 46.90 (6) (b) (intro.) Reports of suspected abuse, material abuse neglect or
23 self-neglect and investigation reports under this section are confidential and may
24 not be released by the county elder adult-at-risk agency or other investigating
25 agency, except under the following circumstances they may be released: *and is the information required to be*

SECTION 50

departmental

form

1. To the elder person and adult-at-risk, any person named in a report who is suspected of abusing or neglecting or financially exploiting an elder person adult-at-risk, and the suspect's attorney. These persons may inspect the report on the investigation, except that information identifying the person who initially reported the suspected abuse, material abuse financial exploitation, neglect or self-neglect, or any other person whose safety might be endangered through disclosure, may not be released.

6. To any agency or individual that provides direct services under sub. (5m), including an attending physician for purposes of diagnosis and treatment, and within the department to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals committed to or under the supervision of the department. Information obtained under this subdivision shall remain confidential.

7. To the guardian of the elder person adult-at-risk or the guardian of any person named in a report who is suspected of abusing or neglecting or financially exploiting an elder person adult-at-risk. These persons may inspect the report on the investigation, except that information identifying the person who initially reported the suspected abuse, material abuse financial exploitation, neglect or self-neglect, or any other person whose safety might be endangered through disclosure, may not be released.

SECTION 51. 46.90 (6) (b) 9. and 10. of the statutes are created to read:

46.90 (6) (b) 9. To a federal agency, agency of this state or any other state, or local governmental unit in this state or any other state that has a need for a report or record in order to carry out its responsibility to protect elder adults-at-risk from abuse, neglect, self-neglect, or financial exploitation.

10. To a reporter who made the report in his or her professional capacity, regarding action to be taken to protect or provide services to the alleged victim of abuse, neglect, financial exploitation, or self-neglect.

SECTION 52. 46.90 (6) (bd) of the statutes is created to read:

46.90 (6) (bd) If a person requesting a report is not one of the persons or entities in par. (b), the elder-adult-at-risk agency may release information indicating only whether or not a report was received and whether or not statutory responsibility was fulfilled.

SECTION 53. 46.90 (6) (br) of the statutes is created to read:

46.90 (6) (br) Notwithstanding par. (b) 1. to 10., an elder-adult-at-risk agency or an investigative agency may not release reports of suspected abuse, financial exploitation, neglect, or self-neglect, and investigation reports under this section, if any of the following apply:

1. The agency determines that the release would be contrary to the best interest of the elder adult-at-risk who is the subject of the report, or a minor residing with the subject of the report, or the release is likely to cause mental, emotional, or physical harm to the subject of the report, or to any other individual, including an adult-at-risk.

2. The district attorney determines that disclosure of the information would jeopardize any ongoing or future criminal investigation or prosecution or would jeopardize a defendant's right to a fair trial.

3. The agency determines that disclosure would jeopardize ongoing or future civil investigations or proceedings or would jeopardize the fairness of such a legal proceeding.

SECTION 54. 46.90 (6) (bt) of the statutes is created to read:

1 46.90 (6) (bt) Records under this subsection are confidential and may not be
2 released by the elder adult-at-risk agency or other ~~investigating~~ agency, except
3 under the following circumstances ~~they may be released to the following entities~~
4 upon request of the entity:

- 5 1. The elder adult-at-risk who is the victim named in the record.
- 6 2. The legal guardian, conservator, or other legal representative of the elder
7 adult-at-risk who is the ~~victim~~ ^{alleged} named in the record, ~~provided that~~ ^{if} the legal
8 guardian, conservator, or other legal representative of the victim is not the alleged
9 perpetrator of the abuse, financial exploitation, or neglect.
- 10 3. Law enforcement officials and agencies in accordance with the policy
11 developed under sub. (3) (a), or a district attorney, for purposes of investigation or
12 prosecution.
- 13 4. The department, under s. 51.03 (2); a sheriff, police department, or district
14 attorney for death investigations under s. 51.64 (2) (a); ~~or to the department for death~~
15 ~~investigations under s. 50.04 (2) or 50.035 (5).~~ ^{or with investigations conducted under sub. (5)}
- 16 5. An employee of a county department under s. 51.42 or 51.437 that is
17 providing services to the elder adult-at-risk who is the victim named in the record,
18 or to the alleged perpetrator of abuse, to determine whether the victim should be
19 transferred to a less restrictive or more appropriate treatment modality or facility.
- 20 6. A court, tribal court, or ~~administrative~~ ^{state governmental} agency for a proceeding relating to
21 the licensure or regulation of an individual or entity regulated or licensed by the
22 department, that was an alleged perpetrator of abuse, financial exploitation, or
23 neglect, and the board on aging and long-term care, under s. 16.009.
- 24 7. The department, for management, audit, program monitoring, evaluation,
25 billing, or collection purposes.

8. ^{To} ^{alleged} The attorney or guardian ad litem for the elder adult~~at~~^{at} risk who is the victim named in the record, to assist in preparing for any proceeding under ch. 48, 51, 55, 880, 971, or 975 pertaining to the victim.

9. ^{To a} A coroner, medical examiner, pathologist, or other physician investigating the cause of death of an elder adult~~at~~^{at} risk that is unexplained or unusual or is associated with unexplained or suspicious circumstances.

10. ^{To} Staff members of the protection and advocacy agency designated under s. 51.62, ~~for purposes of protecting and advocating for the rights of persons with developmental disabilities and mental illness.~~ ^{and the board on aging and long-term care under s. 16.009}

11. ^{To} An agency, including a probation or parole agency, that is legally responsible for the supervision of an alleged perpetrator of abuse, neglect, or exploitation of an elder adult~~at~~^{at} risk. ^{financial}

12. ^{To a} A grand jury, if it determines that access to specified records is necessary for the conduct of its official business.

13. ~~A judge, tribal court, or administrative agency conducting proceedings under s. 968.26.~~

14. ^{under} Pursuant to a lawful order of a court of record. ^{and (by)} ^{departmental} ^{form}

SECTION 55. 46.90 (6) (bv) ^{under} and (bw) of the statutes are created to read:

46.90 (6) (bv) The identity of a person making a report of alleged abuse, neglect, self-neglect, or financial exploitation shall be deleted from any record prior to its release under par. (bt) or from any report prior to its release under par. (b). The identity of any reporter may only be released with the written consent of the reporter or ^{under} pursuant to a lawful order of a court of record.

(1) (bw) A person to whom a report or record is disclosed under this subsection may
(2) not further disclose it, except to the persons and for the purposes specified in this
(3) section.

(4) **SECTION 56.** 46.90 (6) (c) 1. of the statutes is amended to read:

(5) 46.90 (6) (c) 1. Any person, including the state or any political subdivision of
(6) the state, violating this subsection shall be liable to any person damaged as a result
(7) of the violation for such damages as may be proved, together with exemplary
(8) damages of not less than \$100 nor more than \$500 for each violation and such costs
(9) and reasonable actual attorney fees as may be incurred by the person damaged. A
(10) custodian of records or reports incurs no civil or criminal liability under this
(11) subdivision for the release or nonrelease of records or reports in accordance with this
(12) subsection while acting in good faith. For purposes of any proceeding, civil or
(13) criminal, the good faith of a person releasing or refusing to release the records or
(14) reports in accordance with this subsection shall be presumed.

(15) **SECTION 57.** 46.90 (8) (a), (c) and (d) of the statutes are amended to read:

(16) 46.90 (8) (a) The department shall develop a plan to assist county elder-
(17) adult-at-risk agencies in determining appropriate responses to reports of abuse,
(18) material abuse financial exploitation, neglect or self-neglect.

(19) (c) The department shall collect statistical information from each county
(20) pertaining to each reported case of abuse, material abuse financial exploitation,
(21) neglect or self-neglect. The department may require investigators elder-
(22) adult-at-risk workers to submit statements to the department that summarize the
(23) information being reported. These summary statements may not name or otherwise
(24) identify individual persons. The department shall use this information to review the
(25) effectiveness of this section, to plan program changes and to formulate reports.

regarding

1 (d) The department shall develop and disseminate information on elder
2 ~~-adult-at-risk~~ abuse and the elder abuse reporting system under this section. The
3 department shall also develop informational materials to be used by county elder
4 adult-at-risk agencies regarding elder abuse of elder adults at risk and the elder
5 abuse reporting system. The department shall solicit contributions of labor,
6 materials and expertise from private sources to assist in developing the
7 informational materials.

INSERT 25-7

8 **SECTION 58.** 50.09 (1) (k) of the statutes is amended to read:

9 50.09 (1) (k) Be free from ~~mental and physical~~ abuse, and as defined in s. 46.90
10 (1) (a). The resident has a right to be free from chemical and physical restraints
11 except as authorized in writing by a physician for a specified and limited period of
12 time and documented in the resident's medical record. Physical restraints may be
13 used in an emergency when necessary to protect the resident from injury to himself
14 or herself or others or to property. However, authorization for continuing use of the
15 physical restraints shall be secured from a physician within 12 hours. Any use of
16 physical restraints shall be noted in the resident's medical records. "Physical
17 restraints" includes, but is not limited to, any article, device or garment which
18 interferes with the free movement of the resident and which the resident is unable
19 to remove easily, and confinement in a locked room.

INSERT
25-19

20 **SECTION 59.** 51.42 (3) (e) of the statutes is amended to read:

21 51.42 (3) (e) *Exchange of information.* Notwithstanding ss. 46.2895 (9), 48.78
22 (2) (a), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07
23 (3) (c) and 938.78 (2) (a), any subunit of a county department of community programs
24 or tribal agency acting under this section may exchange confidential information
25 about a client, without the informed consent of the client, with any other subunit of

1 the same county department of community programs ^aor tribal agency, with a
2 resource center, care management organization ²or family care district, or with any
3 person providing services to the client under a purchase of services contract with the
4 county department of community programs ^aor tribal agency or with a resource
5 center, care management organization or family care district, if necessary to enable
6 an employee or service provider to perform his or her duties, or to enable the county
7 department of community programs ^aor tribal agency to coordinate the delivery of
8 services to the client. Any agency releasing information under this paragraph shall
9 document that a request was received and what information was provided.

10 **SECTION 60.** 51.437 (4r) (b) of the statutes is amended to read:

11 51.437 (4r) (b) Notwithstanding ss. 46.2895 (9), 48.78 (2) (a), 49.45 (4), 49.83,
12 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 253.07 (3) (c) and 938.78 (2) (a),
13 any subunit of the ^acounty department of developmental disabilities services ^aor tribal
14 ^aagency acting under this section may exchange confidential information about a
15 client, without the informed consent of the client, with any other subunit of the same
16 county department of developmental disabilities services ^aor tribal agency, with a
17 resource center, ^acare management organization ²or family care district ^a, or with any
18 person providing services to the client under a purchase of services contract with the
19 county department of developmental disabilities services ^aor tribal agency or with a
20 resource center, ^acare management organization ²or family care district ^a, if necessary
21 to enable an employee or service provider to perform his or her duties, or to enable
22 the county department of developmental disabilities services ^aor tribal agency to
23 coordinate the delivery of services to the client. Any agency releasing information
24 under this paragraph shall document that a request was received and what
25 information was provided.

1 SECTION 61. 51.62 (1) (a) of the statutes is created to read:

2 51.62 (1) (a) "Financial exploitation" has the meaning given in s. 46.90 (1) (e). ^{ed}

3 SECTION 62. 51.62 (1) (ag) of the statutes is repealed and recreated to read:

4 51.62 (1) (ag) "Abuse" has the meaning given in s. 46.90 (1) (a).

5 SECTION 63. 51.62 (1) (br) of the statutes is repealed and recreated to read:

6 51.62 (1) (br) "Neglect" has the meaning given in s. 46.90 (1) (f).

7 SECTION 64. 51.62 (3) (a) 2m. of the statutes is amended to read:

8 51.62 (3) (a) 2m. Have immediate access to any person with mental illness or
9 developmental disability, regardless of age, who has requested services or on whose
10 behalf services have been requested from the protection and advocacy agency or
11 concerning whom the protection and advocacy agency has reasonable cause to
12 believe that abuse, neglect, financial exploitation, or a violation of rights of the
13 person has occurred. individual

INSERT
27-13

14 SECTION 65. 55.01 (1) of the statutes is repealed and recreated to read:

15 55.01 (1) "Abuse" has the meaning given in s. 46.90 (1) (a). ^(1f)

16 SECTION 66. 55.01 ~~(1) (e)~~ of the statutes is created to read: ^(1f)

17 55.01 ~~(1) (e)~~ "Adult-at-risk agency" means the agency designated by the
18 county board of supervisors under s. 55.043 (1) to receive, respond to, and investigate
19 reports of abuse, neglect, self-neglect, and financial exploitation under s. 55.043.

20 SECTION 67. 55.01 ^{1e} ~~(1d)~~ of the statutes is created to read:

21 55.01 ^{1e} ~~(1d)~~ "Adult-at-risk" means any adult who has a physical or mental
22 condition that substantially impairs his or her ability to care for his or her needs who ^{and}
23 has experienced, is currently experiencing, or is at risk of experiencing abuse,
24 neglect, or financial exploitation.

INSERT 27-24

25 SECTION 68. 55.01 (1m) of the statutes is amended to read:

1 55.01 (1m) "Bodily harm" has the meaning given in s. 939.22(4) 46.90 (1) (aj).

2 **SECTION 69.** 55.01 (1p) of the statutes is repealed and recreated to read:

3 55.01 (1p) "Caregiver" has the meaning given in s. 46.90 (1) (an).
he or she

4 **SECTION 70.** 55.01 (1v) of the statutes is created to read:

5 55.01 (1v) "Degenerative brain disorder" means the loss or dysfunction of brain

6 cells to the extent that ~~the individual~~ *an individual* is substantially impaired in his or her ability

7 to adequately provide for his or her own care or custody.

8 **SECTION 71.** 55.01 (2s) of the statutes is created to read:

9 55.01 (2s) "Financial exploitation" has the meaning given in s. 46.90 (1) (e).
ed

10 **SECTION 72.** 55.01 (4p) of the statutes is repealed and recreated to read:
SECTION 1, CR, 55.01 (4g)

11 55.01 (4p) "Investigative agency" has the meaning given in s. 46.90 (1) (er).
4g

12 **SECTION 73.** 55.01 (4r) of the statutes is repealed and recreated to read:

13 55.01 (4r) "Neglect" has the meaning given in s. 46.90 (1) (f).

14 **SECTION 74.** 55.01 (6) of the statutes is created to read:

15 55.01 (6) "Self-neglect" has the meaning given in s. 46.90 (1) (g).

16 **SECTION 75.** 55.01 (6b) of the statutes is created to read:

17 55.01 (6b) "State official" has the meaning given in s. 46.90 (1) (gr).

18 **SECTION 76.** 55.043 (1) to (4) of the statutes are renumbered 55.043 (3) to (6).
1d

19 **SECTION 77.** 55.043 (1) of the statutes is created to read:
1d, B

20 55.043 (1) **ADULT-AT-RISK AGENCY DESIGNATION.** Each county board shall

21 designate an agency as the adult-at-risk agency for the purposes of this section.

22 **SECTION 78.** 55.043 (1) (a) 3. and 5. of the statutes are amended to read:

23 55.043 (1) (a) 3. An interview with the guardian, if any, and with the caretaker

24 caregiver, if any, of the vulnerable adult.

1 5. A review of those financial records, if any, of the vulnerable adult that are
 2 maintained by the caretaker or landlord of the vulnerable adult or by a member of
 3 the immediate family of the vulnerable adult, the caretaker caregiver or the
 4 landlord.

ADULT-AT-RISK AGENCY DUTIES. (a)

5 SECTION 79. 55.043 (2) of the statutes is created to read:

other investigative agencies, including

6 55.043 (2) Each adult-at-risk agency shall develop a policy for notifying law
 7 enforcement officials in appropriate cases and shall establish an adult-at-risk abuse
 8 reporting system to carry out the purposes of this section. Each adult-at-risk agency
 9 shall enter into a memorandum of understanding regarding the operation of the
 10 system with the county department under s. 46.215 or 46.22 and with any private
 11 or public agency, including a county department under s. 51.42 or 51.437, within the
 12 county that is participating in the adult-at-risk abuse reporting system. The
 13 memorandum of understanding shall, at a minimum, identify the agencies that are
 14 responsible for the investigation of reports of abuse, financial exploitation, neglect
 15 or self-neglect of adults at risk and for the provision of specific direct services.

16 (b) Each adult-at-risk agency shall receive reports of abuse, financial
 17 exploitation, neglect or self-neglect of adults at risk.

18 (c) Each adult-at-risk agency shall publicize the existence of an adult-at-risk
 19 abuse reporting system in the county and shall provide a publicized telephone
 20 number which can be used by persons wishing to report suspected cases of abuse,
 21 financial exploitation, neglect or self-neglect of adults at risk. Each adult-at-risk
 22 agency shall also provide a telephone number which can be used by persons wishing
 23 to make reports after the adult-at-risk agency's regular business hours.

24 SECTION 80. 55.043 (2m) of the statutes is created to read:

MOVE
STUFF
FROM
PP.
34 to 37
HERE

INSERT
29.23